

bond 164 of the ten per cent consolidated stock of 5th of February 1848, correctly engrossed.

Mr Caldwell introduced a bill to incorporate the city of Austin; read first and second times and referred to the committee on the Judiciary.

Mr Millican introduced a bill to incorporate the Yegua turnpike and bridge company; read first and second times and referred to the committee on roads, bridges and ferries.

On motion of Mr Flanagan, the Senate adjourned till ten o'clock to-morrow morning.

TUESDAY, January 1st, 1856.

The Senate was called to order by the President, pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr Wren presented the petition of H. Blummett and of Louisa Netherly—referred to the committee on Private Land Claims, No. 2.

Mr Grimes, chairman of the committee on Finance, made the following report:

The committee on Finance have considered "a bill, supplementary to an act to provide for the assessment and collection of taxes." They find the principle change in the existing law, contemplated by the bill before them, is to allow assessors and collectors to advertise for the term of fifteen days, that he will attend at a specified time at the several election precincts in his county, for assessing and likewise for collecting the taxes of his county; subjecting all who do not avail themselves of the notice, to all the penalties now imposed by law on such persons as fail or refuse to give in, or pay their taxes.

The committee are of opinion that it would be unjust and impolitic, to impose penalties upon those who might be so unfortunate as not to see the notice, or hear of the appointed time.

The citizens generally consider they have performed their duty in this respect to the State, when they give in, and pay their taxes promptly, in the manner provided by the existing law. Further, the committee know from observation, that good and competent men will accept the office of assessor and collector for the compensation now allowed by law. The existing law has been in force for six years, has been pretty well understood, and answers all necessary purposes when well executed. The committee therefore, return the same, and recommend that no further action be had thereon.

Mr Potter, chairman of the committee on the Judiciary, to

which was referred "a bill to legitimate Donasiana Howland, daughter of Saml. W. Howland, deceased," reported the same back, recommending its passage.

Mr. Potter, chairman of the same committee, made the following report:

The Judiciary committee, to which was referred the petition of Joel L. Ankrum, asking relief, as the innocent purchaser of two duplicate land certificates, issued by the Adjutant General, through a fraudulent statement to said officer, have had the same under consideration, and have instructed me to report, that from the evidence submitted, they do not feel authorized to recommend the granting of the relief sought; they therefore recommend that said petition be laid on the table.

The Judiciary committee have considered "a bill, requiring Chief Justices of County Courts to give bonds for the faithful performance of their official duties," and have instructed me to report the same back, with the accompanying amendments, recommending their adoption and the passage of the bill.

#### AMENDMENTS.

- 1st. In section 1, strike out "twenty," and insert "five."
- 2d. In 2d section, fourth line, after "the," insert "fraud or negligence of the Chief Justice in the."
- 3d. In 2d section and 4th line, after the word "approved," strike out the words "by any Chief Justice."
- 4th. In 3d section strike out all after the word "recovered," in the third line, from the end of the section.

Mr. Planagan, from the Judiciary committee, made the following report:

The committee on the Judiciary have had before them "a bill for the relief of the children of Isaiah Hudson, and after investigating the same, find that the said Hudson resided in the county of Rusk, for many years; was a free mulatto man, and died possessed of property to a considerable amount, and that the said children may legally inherit the said property. A majority of the committee therefore, instruct me to report the accompanying substitute, and recommend the passage of the bill.

Mr. Armstrong, from the committee on Public Lands, to which was referred a bill for the relief of A. B. Barleson, reported it back for the consideration of the Senate.

Mr. Lott, chairman of the committee on the Penitentiary, to which was referred a "joint resolution making an appropriation of five thousand four hundred and forty eight dollars and seventy cents, (\$5,448.70,) to meet the current expenses of the quarter ending Dec. 31st, 1855," reported the same back recommending its passage.

Mr Wren, from the committee on Claims and Accounts, to which was referred "a bill for the relief of Mercer Fain, senr., and Wm. M. Hewet," reported the same back, recommending its passage.

Mr Taylor of Cass, chairman of the committee on Public Debt, made the following report:

The committee on Public Debt, have had under advisement the petition of Lieut. M. Hitchcock, and find from the petition and vouchers, that the petitioner in the year 1842, chartered the schooner "Alert" for government service, by the authority of the government; that he paid for the chartering, and for provisioning the men on board, \$1,720 00, he also claims as commander of the schooner, \$116 00, amounting in all to eighteen hundred and thirty-six dollars and sixty eight cents, \$1,836 68. The committee are satisfied that the petitioner acted in good faith, and did pay the said amounts, but from the best data the committee can obtain, the money was paid in the currency of the country, which at that time, was worth but fifty cents on the dollar. I am therefore, instructed to report the accompanying bill, which allows the petitioner one half the amount claimed, and recommend its passage. A bill for the relief of Lieut. M. Hitchcock—read first time.

Mr White introduced a bill fixing the compensation for saving cotton found in any of the waters of this State or on the coast thereof, in the Gulf of Mexico—read first and second times, and referred to the committee on the Judiciary.

Mr Guinn, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed:

"A bill to provide for a geological examination of the State."

"A bill for the relief of persons who have legal files in the reserve of lands, made by the act to provide for the construction of the Mississippi and Pacific Railroad company," and

"A bill for the relief of Samuel Rowe."

A message was received from the House, informing the Senate that the House had passed the following bills originating in the Senate:

"A bill to change the name of Martha R. Eppinger to Martha R. Bonner."

"A bill to authorize the County Court of Dallas county, to levy an additional tax for the purpose of building a court house," and

"A bill to validate an election to be held in the 14th Representative District, composed of the counties of Cass and Titus"

Mr Weatherford introduced "a bill requiring the return of unconstitutional certificates to the General Land Office"—read first time.

On motion of Mr Guinn, the rule was suspended and bill read second time.

On motion of Mr Palmer, the bill was amended by striking out "September 1st, 1856," and inserting "January 1st, 1857."

Mr Taylor of Cass, moved to amend by striking out the words, "and shall be subject to location"—rejected.

Mr Taylor of Cass, offered the following amendment:

"Provided, that this act shall in no manner open lands to location within the reserve known as the Pacific reservation"—adopted.

Mr Flanagan offered the following amendment:

"Provided, that all persons who have resided upon any tract, not larger than six hundred and forty acres, for the space of ten years, shall have a title to their settlement under a conditional certificate or by the settlement." On motion of Mr Potter, laid on the table.

Mr Weatherford offered the following amendment:

"Provided, this act shall not be so construed as to make void any locations upon conditional certificates." On motion of Mr Flanagan, the amendment was laid on the table.

Mr Flanagan offered the following amendment:

"Provided, this act shall not prejudice the rights of settlers, under the present act of limitation."

Mr Martin offered the following as an amendment to the amendment:

"Or affect the title to any land within the reservation of the Mississippi and Pacific Railroad."—rejected.

Mr Flanagan's amendment was then adopted.

Mr Allen offered the following amendment:

"In the 8th line of the 1st section after the word 'certificate,' strike out the words 'together with the field notes.'—rejected.

The bill was then ordered to be engrossed.

Mr Palmer presented the petition of L. J. Parker—referred to the committee on Public Debt.

Mr Potter introduced a bill to provide the means of levy and sale under execution of the stock of incorporated companies—read first and second times, and referred to the committee on the Judiciary.

Mr Armstrong, from the committee on the Judiciary, to which was referred "a bill for the relief of pre-emptors, reported a substitute therefor, requesting the consideration of the Senate thereon.

On motion of Mr Truit, the rule was suspended, substitute adopted, and bill ordered to be engrossed.

On motion of Mr Russell, the rule was further suspended, bill read third time and passed.

Mr Taylor of Cass, introduced a bill for the relief of Joseph D. Lilley, assignee of Jonathan Bird—read first and second times, and on motion of Mr Guinn, referred to the committee on Public Debt.

Mr Palmer introduced "a bill to incorporate the Houston Lyceum"—read first time.

On motion of Mr Palmer, the rule was suspended, bill read second time, and ordered to be engrossed.

On motion of Mr Guinn, the rule was further suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Armstrong, Bryan, Burroughs, Caldwell, Flanagan, Guinn, Lott, Martin, Maverick, Millican, Palmer, Pirkey, Potter, Russell, Taylor of Cass, Taylor of Houston, Truit, Weatherford and White, 19.

NAYS—Messrs. Whitaker and Wren, 2.

Mr Maverick presented the petition of James H. Brown—referred to the committee on Finance.

On motion of Mr Lott, the resolution relative to adjournment was taken from the table.

On motion of Mr Taylor of Cass, the substitute offered by him, was amended by striking out "15th" and inserting "20th," before "January," and by striking out "July," and inserting "November"—the substitute was then adopted.

Mr Guinn offered the following amendment:

Strike out "20th January," and insert "11th February," strike out "November," and insert "July."

Mr Potter offered the following, as a substitute for the amendment. Strike out "1st Monday in November," and insert "2d Monday in July, 1856."—adopted.

Mr Flanagan moved to amend by striking out "20th July," and inserting "4th day of February"—carried.

Mr Taylor of Cass, offered the following as a substitute for the resolution:

*Resolved* by the Senate, (the House concurring,) that the two Houses of the present Legislature will adjourn, sine die, on the 1st Monday in February, 1856.

On motion of Mr Potter, laid on the table by the following vote:

YEAS—Messrs. Allen, Armstrong, Bryan, Caldwell, Flanagan, Guinn, Lott, Martin, Maverick, Millican, Pirkey, Potter, Scarborough, Truit, Whitaker and White, 16.

NAYS—Messrs. Burroughs, Grimes, Palmer, Pedigo, Russell, Taylor of Cass, Taylor of Houston, Weatherford and Wren, 9.

On motion of Mr Palmer, the resolution was laid on the table.

Mr. Pedigo introduced a bill for the relief of Josiah Jordan, and a bill for the relief of Chas. Baxter—each read first and second times, and referred to the committee on Private Land Claims, No. 2.

On motion of Mr. Millican, the Senate adjourned till 10 o'clock, to-morrow morning.

WEDNESDAY, JAN'Y 2d, 1856.

The Senate was called to order, by the President pursuant to adjournment—prayer by the chaplain—roll called—quorum present. The Journal of yesterday was read and adopted.

Mr. Pedigo presented the memorial of Thomas J. Chambers read, and referred to the committee on Internal Improvements.

Mr. Potter chairman of the committee on the Judiciary, made the following reports:

The Judiciary committee have considered a bill fixing the compensation for saving cotton found in any of the waters of this State, or on the coast thereof in the Gulf of Mexico, and direct me to return the same with amendments, recommending the adoption of the amendments and the passage of the bill.

#### AMENDMENTS.

1st. In the 3d Section strike out all after the word "paid," in the 3d line from the end of the section, and insert "over to the county Treasurer of the county in which the sale took place, and such county Treasurer shall immediately pay the same over to the Treasurers of the State, who shall pay the same over to the person entitled thereto, on proof being made of the right of the claimant in the manner provided for the recovery of money paid into the Treasury of the State, by executors or administrators of estates, when no heirs, devisees or legatees of the estate appear to claim the funds of the estate on the final settlement thereof."

2d. Insert the following as Sec. 4th, viz:

"Sec. 4th. In case there shall be no wreck-master, in the county in which the cotton is deposited, then it shall be the duty of the county clerk of the court, to perform all the duties required of wreck-masters by this act, and such clerk shall be entitled to receive the same compensation for his services, as is allowed to wreck-masters under this act."

3d. Make Sec. 4th, Sec. 5th; and Sec. 5th, Sec. 6th.

4th. Strike out the last section.

Mr. Potter chairman of the same committee, to which was referred a bill to incorporate the town of Indianola, and a bill to provide the mode of levy and sale under execution of the stock